

**In re: GARY HASTINGS.
FCIA Docket No. 00-0010.
Decision and Order.
Filed June 22, 2001.**

FCIA – Untimely answer – Admission.

Donald McAmis, for Complainant.
Respondent, Pro se.

Decision and Order issued by James W. Hunt, Administrative Law Judge.

Decision

In response to a complaint filed by Federal Crop Insurance Corporation (FCIC), a document on behalf of respondent has been filed which in the penultimate paragraphs admits the allegations in paragraphs II and III of the complaint. To the extent the document is an answer to the complaint, and is responsive to the allegations in the complaint, it constitutes an admission of the allegations. Respondent never denies any allegations in the complaint. To the extent the document is not an answer to the complaint, then no answer has been timely filed and the allegations in the complaint are deemed admitted.

Pursuant to sections 1.136(c) and 1.139 of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary, respondent, Gary Hastings, has admitted in his answer the allegations contained in the complaint. Those allegations included a conviction for, on April 8, 1999, unlawfully, willingly, and knowingly making false statements or reports for the purpose of influencing the actions of the FCIC.. Therefore, since the allegations in paragraphs II and III of the Complaint are deemed admitted, and respondent has pleaded guilty to unlawfully, willingly and knowingly making false statement or reports for the purpose of influencing the action of FCIC and was convicted, it is found that the respondent has willfully and intentionally provided false and inaccurate information to the Federal Crop Insurance Corporation or to the insurer with respect to an insurance plan or policy under the Federal Crop Insurance Act. (7 U.S.C. § 1506 (n), the Act).

It is further found that, pursuant to section 506 of the Act (7 U.S.C. § 1506), respondent, and any entity in which he retains substantial beneficial interest after the period of disqualification has commenced, is disqualified from purchasing catastrophic risk protection for a period of one year and from receiving any other benefit under the Act for a period of 5 years. The period of disqualification shall be effective 35 days after this decision is served on the respondent unless there is an appeal to the Judicial Officer pursuant to § 1.145.

If the period of disqualification would commence after the beginning of the crop year, and the respondent has a crop insurance policy in effect, disqualification will

commence at the beginning of the following crop year and remain in effect for the entire period specified in this decision.

[This Decision and Order became final August 2, 2001.-Editor]
